

maybe he will be back shortly.

The Chair recognizes Delegate Dulany.

DELEGATE DULANY: The Committee on Public Information would like to report that the score is 10-7, at the half time, Green Bay.

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: In case you did not note it last night, in section 2, I corrected a typographical error. The word on the second line, after the word "religion" should be "or", not "nor".

DELEGATE J. CLARK (presiding): If there is no objection, this correction can be made.

Are there any further questions on section 2?

*(There was no response.)*

If not, we will move to section 3. Are there any questions on section 3?

*(There was no response.)*

Are there any questions on section 4?

*(There was no response.)*

Are there any questions on section 5? Delegate Hargrove.

DELEGATE HARGROVE: Chairman Kiefer, in section 5, on line 3, does the word "shall" modify each of the various portions as you go down the section?

In other words, a person accused of a crime shall have a right, and so forth, for example, to be informed, to be confronted, to have compulsory process, and so forth?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: That is my opinion, yes, it does.

DELEGATE J. CLARK (presiding): Delegate Hargrove.

DELEGATE HARGROVE: A second question. Did the Committee intend that this be an absolute right to have these various things such as to be confronted, jury trial, and so forth?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: What do you mean "an absolute right"?

This is the language of the Sixth Amendment, and it is not unlike the language of

our Article 21. When you say "absolute right", I assume they are absolute rights within reasonable limitations. The Supreme Court of the United States, and our own Court of Appeals, is constantly judging specific situations and interpreting the application of these acts.

DELEGATE J. CLARK (presiding): Delegate Hargrove.

DELEGATE HARGROVE: I understand that, but what I am driving at, does the language used here make it mandatory that these rights be had by a person accused of a crime — absolutely, therefore, not being able to waive any of these rights such as you can under the present construction of the federal and state Constitutions.

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: I am going to yield to Delegate Bothe on this. She is one of our criminal law experts.

DELEGATE BOTHE: I think the answer is simple. Insofar as the Supreme Court and State Court of Appeals have to date construed these rights to be absolute, they are and they will become more or less so as future cases determine.

DELEGATE J. CLARK (presiding): Delegate Hargrove.

DELEGATE HARGROVE: Under this language, could a person waive the right to counsel, if it is mandatory?

DELEGATE J. CLARK (presiding): Delegate Bothe.

DELEGATE BOTHE: I think I understand your question. I cannot think of the name of the case, but it has been held that a person — in a very recent Maryland case — can insist upon representing himself and waive his right to counsel, a defective delinquent case the name of which I cannot recall. I do not think here we are making any effort to change the scope of existing law or freeze the law in any respect. We are simply reiterating the existing language which is found in Article 21, with the exception — as a matter of fact, I think all of those provisions are in Article 21, and also in the Sixth Amendment.

DELEGATE J. CLARK (presiding): Delegate Hargrove.

DELEGATE HARGROVE: I think if you will look, they do not use the word "shall", they use the word "hath," if I am not mistaken, and also the federal Consti-